

Notice of Allowability

Application No.

10/620,028

Examiner

Fenn C. Mathew

Applicant(s)

TIAHRT, LEIF

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2006.
2. ☒ The allowed claim(s) is/are 12-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

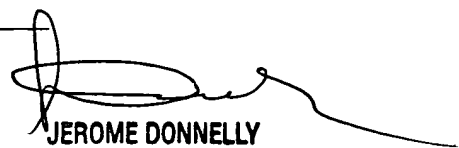
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 09/15/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEROME DONNELLY
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The affidavit under 37 CFR 1.132 filed 10/03/2006 is insufficient to overcome the rejection of claim 12-31 based upon the cited references as set forth in the last Office action because: Applicant's declaration amounts to a personal opinion on the state of the art by the inventor. While claims have been allowable, for the purposes of maintaining the record, allowability is not due to the affidavit of the Inventor.

Allowable Subject Matter

2. Claims 12-31 allowed. Prior art devices such as Lambert (U.S. 4,149,714) teach the use of cam-shaped pulleys in exercise devices. Lambert fails to teach or show oscillatory magnitude or oscillatory force vector during a single range of motion. Herz (684,688) teaches a pulley with a spiral groove. Herz however teaches a configuration that would only allow the force vector to move in a single direction during a range of motion as defined in the claims. Price (U.S. 6,224,514) teaches a pulley which causes a force vector translate from left to right. Price fails to teach a pulley or configuration wherein the user experiences a plurality of oscillations during a single range of motion in one direction.

3. The prior art of record fails to teach a contact member in the form of a user grippable member as defined in the specification movable in one direction through a distance defining a range of motion, a source of resistive force, a mechanical connection such as a cable as noted in the specification, and a support for the

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mechanical connection in the form of a pulley as defined in the specification, that changes the direction of the resistance of the force vector or the magnitude of force a plurality of times during movement of the contact member through the defined range of motion so that the exerciser will experience oscillating force vectors or oscillating force magnitude.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F.C. Mathew
November 27, 2006



JEROME DONNELLY
PRIMARY EXAMINER